

1 DAVID C. SHONKA
Acting General Counsel
2 MEGAN COX
ALLISON M. LEFRAK
3 Attorneys
Federal Trade Commission
4 600 Pennsylvania Avenue NW
Mailstop CC-8256
5 Washington, DC 20580
Telephone: (202) 326-2282 (Cox)
6 Telephone: (202) 326-2804 (Lefrak)
Facsimile: (202) 326-3392
7 Email: mcox1@ftc.gov, alefrak@ftc.gov
Attorneys for Plaintiff Federal Trade Commission

8 ADAM PAUL LAXALT
Attorney General
9 JOHN R. MCGLAMERY
LAURA TUCKER
10 Deputy Attorneys General, Bureau of Consumer Protection
Office of the Attorney General
11 100 North Carson Street
Carson City, NV 89701-4717
12 Phone (775) 684-1169
Facsimile: (775) 684-1170
13 Email: JmcGlamery@ag.nv.gov, LMTucker@ag.nv.gov
Attorneys for Plaintiff State of Nevada

15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

17 FEDERAL TRADE COMMISSION)
18)

19 and)

20 STATE OF NEVADA,)

21 Plaintiffs,)

22 v.)

23 EMP MEDIA, INC., et al.,)

24 Defendants.)

Case No: 2:18-cv-00035

25 **MOTION FOR A STAY ON THE TOLLING OF TIME FOR SERVICE**
26 **IN LIGHT OF UNITED STATES GOVERNMENT CESSATION**
27

1 The Federal Trade Commission (“FTC” or “Commission”) hereby moves for
2
3 a temporary stay on the tolling of time for service in this case. In support of this
4 motion, counsel for the FTC states as follows:

5
6 1. Per the Federal Rules of Civil Procedure Rule 4(m), the Plaintiffs’ deadline
7 for serving a copy of the complaint and summons on Defendants is 90 days after
8 the complaint is filed. Fed. R. Civ. P. 4(m).

9
10 2. At the end of the day on January 19, 2018, appropriations for the FTC
11 expired. At this time, the Commission does not know when funding will be
12 restored by Congress.

13
14 3. Absent an appropriation, FTC attorneys are prohibited from working, even
15 on a voluntary basis, “except for emergencies involving the safety of human life or
16 the protection of property.” 31 U.S.C. § 1342.

17
18 4. Undersigned counsel for the FTC therefore requests a stay until Congress
19 has restored appropriations to the FTC.

20
21 5. If this motion for a stay is granted, undersigned counsel will notify the Court
22 as soon as Congress has appropriated funds for the FTC. The Commission requests
23 that, at that point, the time limit for service on the Defendants be extended
24 commensurate with the duration of the lapse in appropriations.
25
26
27
28

1 Therefore, although we greatly regret any disruption caused to the Court and
2 the other litigants, the FTC hereby moves for a stay on the tolling of time for
3 service on the Defendants in this case until FTC attorneys are permitted to resume
4 their usual civil litigation functions.
5

6
7
8 Respectfully submitted,

9
10 Dated: January 22, 2018

David Shonka
Acting General Counsel

11
12
13 /s/ Megan Cox
14 Megan Cox
15 Allison M. Lefrak
16 Attorneys for Plaintiff
17 Federal Trade Commission
18 600 Pennsylvania Avenue NW
19 Mailstop CC-8256
20 Washington, DC 20580
21 Telephone: (202) 326-2282 (Cox)
22 Telephone: (202) 326-2804 (Lefrak)
23 Facsimile: (202) 326-3392
24 Email: mcox1@ftc.gov,
25 alefrak@ftc.gov
26
27
28

DAVID C. SHONKA
Acting General Counsel
MEGAN COX
ALLISON M. LEFRAK
Federal Trade Commission
600 Pennsylvania Avenue NW
Mailstop CC-8256
Washington, DC 20580
Telephone: (202) 326-2282 (Cox)
Telephone: (202) 326-2804 (Lefrak)
Facsimile: (202) 326-3392
Email: mcox1@ftc.gov, alefrak@ftc.gov
Attorneys for Plaintiff Federal Trade Commission

ADAM PAUL LAXALT
Attorney General
JOHN R. MCGLAMERY
LAURA TUCKER
Deputy Attorneys General, Bureau of Consumer Protection
Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717
Phone (775) 684-1169
Facsimile: (775) 684-1170
Email: JmcGlamery@ag.nv.gov, LMTucker@ag.nv.gov
Attorneys for Plaintiff State of Nevada

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FEDERAL TRADE COMMISSION)	Case No: 2:18-cv-00035
)	
and)	
)	
STATE OF NEVADA,)	
)	
Plaintiffs,)	
)	
v.)	
)	
EMP MEDIA, INC., et al.,)	
)	
Defendants.)	

**[PROPOSED] ORDER AUTHORIZING A STAY
ON THE TOLLING OF TIME FOR SERVICE
IN LIGHT OF UNITED STATES GOVERNMENT CESSATION**

ORDERED that, there is a stay on the tolling of time for service on the defendants in this case until FTC attorneys are permitted to resume their usual civil litigation functions.

UNITED STATES DISTRICT JUDGE

DATED: _____

CERTIFICATE OF SERVICE

I, Megan Cox, certify that on January 22, 2018, the foregoing Plaintiffs' Motion for Authorizing a Stay of the Tolling of Time for Service in Light of United States Government Cessation was filed and served using the Court's CM/ECF system.

I further certify that on this same date, a true and correct copy of the foregoing was served, via email or overnight mail to the following non-ECF participants.

Michelle W. Cohen: michelle@ifrahlaw.com
Counsel for Defendant, Aniello Infante

Defendant EMP Media, Inc.
Registered Agent Aniello Infante
3016 Spring Meadow Circle
Youngstown, OH 44515-4953

Defendant Shad "John" Applegate
shadapplegate@gmail.com
shadcottelli@gmail.com

/s/ Megan Cox
Megan Cox
Federal Trade Commission